

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CORTEZ D. JONES,

Plaintiff,

v.

TUKWILLA CITY HALL,

Defendant.

CASE NO. **2:23-cv-01211-JHC**

**REPORT AND
RECOMMENDATION**

Pro se Plaintiff, Cortez D. Jones, filed a complaint against Tukwilla City Hall alleging “RCW connected unclaimed property, “Racketeering by City Hall in Tukwilla” and “Tukwilla City Hall Discrimination against Cortez Jones matches Seattle City Hall plan to steal the damage attorney bail from the claimant.” Plaintiff also submitted an application to proceed *in forma pauperis* (IFP). Plaintiff’s IFP application has been referred to the undersigned United States Magistrate Judge under General Order 11-22.

DISCUSSION

Generally, a party commencing a civil action in a United States District Court must pay a filing fee. 28 U.S.C. § 1914(a). The Court may permit an action to commence without prepayment of fees and costs of security, by a person who submits an affidavit showing the

1 person cannot pay such fees or give security. 28 U.S.C. § 1915(a)(1). Thus, an action may
 2 proceed without payment of the filing fee only if the Court grants leave to proceed IFP. *See*
 3 *Rodriguez v. Cook*, 169 F.3d 1178, 1177 (9th Cir.1999). Permission to proceed IFP is itself a
 4 matter of privilege and not a right and the denial of IFP status does not violate the applicant's
 5 right to due process. *Franklin v. Murphy*, 745 F.2d 1221, 1231 (9th Cir.1984) (*citing Weller v.*
 6 *Dickson*, 314 F.2d 598, 600 (9th Cir), *cert. denied*, 375 U.S 845 (1963). The Court has broad
 7 discretion to grant or deny an IFP application. *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th
 8 Cir.1990); *Weller*, 314 F.2d at 600-601. Plaintiff avers in his IFP application he is employed,
 9 takes home pay of \$35,000.00 a month, has received in the last twelve months \$324,000.00 in
 10 rent, interest, or dividends, and \$32,000 in public benefits. Plaintiff's IFP application shows he
 11 can afford to pay the filing fee. The Court thus recommends Plaintiff's application to proceed
 12 IFP be **DENIED**, and Plaintiff be directed to pay the usual filing fee within 30 days of the
 13 District Court's Order. If Petitioner fails to pay the filing fee, the Clerk should be directed to
 14 close the file.

15 **OBJECTIONS AND APPEAL**

16 This Report and Recommendation is not an appealable order. Plaintiff should not file a
 17 notice of appeal in the Court of Appeals for the Ninth Circuit until the assigned District Judge
 18 enters a judgment in the case. Objections may be filed no later than **August 28, 2023**. The Clerk
 19 shall note the matter for **September 1, 2023**, as ready for the District Judge's consideration.

20 DATED this 14th day of August, 2023.

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 BRIAN A. TSUCHIDA
 United States Magistrate Judge